

| | |
|----------|--------|
| Reagan | Spears |
| Richter | Strong |
| Rogers | Watson |
| Schwartz | Word |

Absent—Excused

Dies

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—30

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Hall | Richter |
| Hardeman | Rogers |
| Harrington | Schwartz |
| Hazlewood | Spears |
| Herring | Strong |
| Kazen | Watson |
| Kennard | Word |

Absent—Excused

Dies

Welcome and Congratulatory Resolutions

S. R. No. 188—By Senator Harrington: Extending welcome to Mr. and Mrs. Alfred Valdez and family.

S. R. No. 189—By Senator Creighton: Extending welcome to Morris Newnham, mayor of Ranger, and Dick Henderson, President of Chamber of Commerce of Ranger.

S. R. No. 190—By Senator Owen: Extending welcome to Mrs. Jewell M. Ellis, et al., of Fabens.

S. R. No. 191 — By Senator Schwartz: Extending congratulations to Inspector Charles Edward Bock on many years of service to Galveston Police Department.

Adjournment

On motion of Senator Moffett the Senate at 12:12 o'clock p.m. adjourned until 10:30 o'clock a.m. on tomorrow.

THIRTY-THIRD DAY

(Tuesday, March 5, 1963)

The Senate met at 10:30 a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 59, A bill to be entitled "An Act amending Subdivision 84 of Article 199, Title 8, Revised Civil Statutes of the State of Texas, 1925, as amended, to change the terms of the District Court of the 84th Judicial District, and to give the judge discretion as to the number of sessions he holds in any county of the district during any term; continuing all process, bonds and recognizances, and all grand and petit juries of the old terms; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Presentation of Guest

Senator Krueger by unanimous consent presented former Senator Robert W. Baker of Houston and requested that he be granted the privileges of the floor.

Reports of Standing Committees

Senator Patman submitted the following report:

Austin, Texas,
March 4, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 319, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATMAN, Chairman.

Senator Moore submitted the following report:

Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 132, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 351, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Creighton submitted the following reports:

Austin, Texas,
March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game

and Fish, to which was referred H. B. No. 335, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Austin, Texas,

March 5, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 310, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senators Krueger, Moore, Crump, Watson, Bates, Herring, Hazelwood, Hardeman, Creighton, Patman, Kazen, Kennard, Strong, Harrington, Hall, Spears, Word, Ratliff, Cole, Reagan, Moffett, Colson and Owen:

S. B. No. 334, A bill to be entitled "An Act making an appropriation to the Texas Animal Health Commission to be used for the purpose of conducting a screwworm eradication program during the biennium ending August 31st, 1965; and declaring an emergency."

To the Committee on Finance.

By Senator Hazelwood:

S. B. No. 335, A bill to be entitled "An Act amending Article 5.01 of the Insurance Code, as amended, to require the board, in fixing, prescribing and promulgating the rates for premiums to be charged by all insurers of motor vehicles in this state, to consider profits earned by such insurers on capital investments of their funds; and declaring an emergency.

To the Committee on Insurance.

By Senators Word and Hall:

S. B. No. 336, A bill to be entitled "An Act amending Section 126, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as last amended (compiled as Article 7880-126

VASC), relating to condemnation proceedings by certain Water Control and Improvement Districts; repealing all laws in conflict; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Cole:

S. B. No. 337, A bill to be entitled "An Act to amend Chapter 4 of the Insurance Code (Acts 1951, 52nd Leg., Ch. 491, as amended) by adding thereto a new article to be designated Art. 4.08, relating to escheat and unclaimed funds, providing that said Article shall be known as the "Unclaimed Funds Statute for Life Insurance Companies"; defining the scope of the article; defining terms; providing for reports by life insurance companies; requiring notice to be published; requiring payment of certain unclaimed funds to the State Treasurer of Texas and allowing extension of time for reports by said official; providing for custody of unclaimed funds by State Treasurer and Indemnity for said companies by the State; providing for reimbursement of said companies for claims paid; creating a special trust fund and providing for administration thereof; providing for determination, review and payment of claims; requiring records by said companies; providing that other escheat measures shall be inapplicable; fixing an effective date; providing for penalties; providing for severability; and declaring an emergency."

To the Committee on Insurance.

By Senators Crump and Krueger:

S. B. No. 338, A bill to be entitled "An Act relating to products made by inmates of the Texas Department of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; amending Section 9, Chapter 67, Acts of the 41st Legislature, Fifth Called Session, 1930, as amended to authorize vocational training and rehabilitation of prisoners through work in industries at penal units under the Texas Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Department of Corrections; prescribing the method for setting prices of

prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor; repealing all laws in the extent of conflict only; and containing an emergency clause."

To the Committee on State Departments and Institutions.

By Senator Moore:

S. B. No. 339, A bill to be entitled "An Act limiting the number of ex-students on the governing boards of wholly State-supported academic institutions of higher education; repealing all laws in conflict; and declaring an emergency."

To the Committee on Education.

By Senator Bates:

S. B. No. 340, A bill to be entitled "An Act amending Article 1287-1, Vernon's Annotated Civil Statutes of Texas, Acts 1937, 45th Legislature, Page 926, Chapter 443; Acts 1937, 45th Legislature, First Called Session, Page 1776, Chapter 16, Sec. 1, as last amended by Senate Bill No. 308, Acts 1957, 55th Legislature, Page 745, Chapter 306, Sec. 2; amending Article 1287-2, Vernon's Annotated Civil Statutes of Texas, Acts 1937, 45th Legislature, First Called Session, Page 1766, Chapter 16, Sec. 3; increasing the amount of the bond required for a license to operate under said Act as a dealer; clarifying the Act as regards which persons are protected by the Act; clarifying other Sections of the Act; repealing all laws in conflict; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Patman:

S. B. No. 341, A bill to be entitled "An Act regulating the manner of taking fish from the waters of Espiritu Santo Bay, and in those portions of San Antonio Bay South of the Intercoastal Waterway, and in Shoalwater Bay, Barroom Bay, Pats Bay, Big Bayou, Saluria Bayou, Rahal Bayou, Pringle Lake, Contee Lake, South Pass Lake, Long Lake,

and in Power Lake in Calhoun County; prohibiting the use of certain devices and providing a penalty for violation; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Hall:

S. B. No. 342, A bill to be entitled "An Act transferring control and management of East Texas State College from the Board of Regents of the State Teachers Colleges to a new body to be called the Board of Regents of East Texas State College; providing for the creation of a Governing Board to be appointed by the Governor and confirmed by the Senate with residential limitations as to Board Members and their length of term of office; providing for the filling of vacancies occurring on the governing board and removal for certain causes; providing for the qualifying of appointees to the Board, and its organization; providing for the work and activities to be pursued in said College, and subject to actions of the Governing Board; providing all powers, duties, rights, obligations, and functions of the Board of Regents of the State Teachers Colleges as these relate to East Texas State College shall be invested in and/or performed by the Board of Regents of East Texas State College on the enactment of this bill into law; providing a repealing clause; and declaring an emergency."

To the Committee on Education.

By Senator Hall:

S. B. No. 343, A bill to be entitled "An Act amending Section 1 of Chapter 84, Acts of the 43rd Legislature, First Called Session, 1933, as amended (compiled as Article 28a, Vernon's Texas Civil Statutes), to provide that weekly newspapers shall be allowed to miss two (2) publication issues in twelve (12) months and still retain their status as newspapers eligible to publish legal notices of every kind; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hall:

S. B. No. 344, A bill to be entitled "An Act relating to the licensing of Truth Examiners, creating a Truth Examiners Board, granting certain

powers to the Truth Examiner Board of the State of Texas; and declaring an emergency."

To the Committee on State Affairs.

By Senator Kennard:

S. B. No. 345, A bill to be entitled "An Act authorizing cities having a population of three hundred fifty thousand (350,000) or more but less than four hundred thousand (400,000) according to the last preceding Federal census to provide for the retirement of its active firemen subject to certain conditions; providing for transfer of assets and assumption of liabilities of the Firemen's Relief and Retirement Fund by the Municipal Employees' Retirement Fund; and making other provisions to effectuate the purposes of this Act.

To the Committee on Counties, Cities and Towns.

By Senators Kennard and Spears:

S. B. No. 346, A bill to be entitled "An Act to regulate trade practices in connection with the requirement of property insurance by a lender or creditor as a condition precedent to granting a loan or credit.

To the Committee on State Affairs.

By Senator Patman:

S. B. No. 347, A bill to be entitled "An Act to provide for the abolishment of the offices of the Ex-Officio County School Superintendent and the County Board of Education in all counties of this State who now has or may hereafter have no Common School District and only one Independent School District; providing that all of the duties of Ex-Officio School Superintendent and the County Board of Education be vested in the President of the Board of Trustees of such Independent School District and in the Superintendent of such district, except as for transfers of students into other counties, which shall remain the duty of the County Judge; providing the Commissioners Court shall receive, pass upon all petitions for the calling of elections to create new school districts; providing the mechanics for the transfer of any records or funds remaining on hand after the effective date of this act; and providing certain terms and conditions".

To the Committee on Education.

By Senator Herring:

S. B. No. 348, A bill to be entitled "An Act amending Chapter 136, Acts of the 47th Legislature, Regular Session, as amended by Chapter 166, Acts of the 51st Legislature, Regular Session, by creating a County Court at Law No. 1 of Travis County, Texas, in lieu of the present County Court at Law of Travis County, Texas, providing for the appointment, election, removal and salary of the judge thereof, and making other provisions relative thereto, including provisions that such County Court at Law No. 1 shall have the same jurisdiction as the present County Court at Law of Travis County, Texas, and in addition concurrent jurisdiction with the County Court of Travis County and any other numbered County Court at Law of Travis County, now or hereafter created, as to all matters of eminent domain and as to all probate matters as may be assigned to it by the County Judge of Travis County, conforming the jurisdiction of the County Court of Travis County thereto, providing that the County Court of Travis County shall have and retain concurrent jurisdiction in all matters of probate and eminent domain, but not to other matters civil or criminal; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Herring:

S. B. No. 349, A bill to be entitled "An Act amending House Bill 81, Acts of the 55th Legislature, Regular Session, 1957; creating the 147th Judicial District of Travis County; providing that the Criminal District Court of Travis County shall be designated as the 147th Judicial District Court; prescribing the jurisdiction of said Court; providing that the Judge of the Criminal District Court of Travis County shall be the judge of said Court and prescribing the qualifications and term of office of said Judge; providing for the salary and expenses of the Judge of said Court; prescribing the terms of said Court and providing for the impaneling of grand juries and relieving the judges of the District Courts of the mandatory duty of impaneling grand juries; providing that the Judge of said Court and the other district courts of Travis County may

exchange benches and hear cases for each other; making all processes, writs, bonds, recognizances or other obligations issued by or returnable to the Criminal District Court of Travis County, returnable to the 147th Judicial District Court; providing for a seal for said Court; providing that the Sheriff, District Attorney, County Attorney and District Clerk of Travis County shall be officers of said Court in their respective capacities, authorizing the Judge of said Court to appoint a Court Reporter; repealing all laws in conflict herewith; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Herring:

S. B. No. 350, A bill to be entitled "An Act creating a County Court at Law No. 2 of Travis County, Texas; defining its jurisdiction; conforming the jurisdiction of the County Court of Travis County and other County Courts at Law of said County, thereto; redefining the jurisdiction of the County Court of Travis County and the Judge thereof; providing for the administration of such courts; fixing the terms of this Court; fixing the salary and qualifications of the Judge thereof; providing for the appointment and election of such Judge and providing for his removal; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Herring:

S. B. No. 351, A bill to be entitled "An Act creating the 176th Judicial District and the 176th Judicial District Court of Travis County, Texas; providing the terms and jurisdiction of said Court; providing for the appointment and election of the Judge of said Court; prescribing the powers, duties, term of office, and compensation of the Judge of said Court; providing for the appointment and prescribing the qualifications, duties, and compensation of the official Court Reporter of said Court; providing that the Sheriff, District Attorney, County Attorney, and Clerk of the District Courts of Travis County shall act in such capacities in the 176th Judicial District Court; making other provisions relative to the business and functioning of the 176th Judicial Dis-

strict Court and the other District Courts of Travis County; providing an effective date; providing a severability clause; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Herring:

S. B. No. 352, A bill to be entitled "An Act amending House Bill 189, Chapter 123, Page 238, General and Special Laws of the State of Texas, Fifty-seventh Legislature, Regular Session, 1961 (codified as Article 6252-11, Vernon's Texas Civil Statutes) by amending Section 6 and adding a new Section 6-A to said Act; creating a State Classification Board; prescribing its rights, powers, functions, and duties; transferring all the rights, powers, and duties of the State Auditor and the Legislative Audit Committee pertaining to the administration of the "Position Classification Act of 1961" to the said State Classification Board created herein; changing the title of the Position of Classification Officer to Director of Classification; providing a repealing clause, a severability clause, and declaring an emergency.

To the Committee on State Affairs.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution.

H. B. No. 7, A bill to be entitled "An Act repealing Chapter 26, Acts of the 56th Legislature, Second Called Session, 1959, as amended by Chapter 59, Acts of the 57th Legislature, First Called Session, 1961 (compiled as Article 8280-243 of Vernon's Texas Civil Statutes), relating to the Palo Duro River Authority; and declaring an emergency."

H. B. No. 10, A bill to be entitled "An Act amending Section 2 of Chapter 333, Acts of the 42nd Legislature, Regular Session, 1931, as amended by Section 1, Chapter 49, Acts of the 43rd Legislature, Regular Session, 1933 (compiled as Section 2, Article 1605a, Vernon's Texas Civil Statutes), so as to raise the maximum amount allowed to be spent by the county commissioners courts on office buildings or jails from One Hundred and Fifty Thousand Dollars (\$150,000)

to Two Hundred Thousand Dollars (\$200,000) in cities other than the county seat; and declaring an emergency."

H. B. No. 233, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 18th Judicial District of Texas; providing for severability; and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act authorizing the Commissioners Courts of counties within the 121st Judicial District to pay certain amounts to the district judge of such district to defray certain necessary expenses; providing for severability; and declaring an emergency."

H. B. No. 239, A bill to be entitled "An Act providing that it shall be lawful to take or kill collared peccary or javelina in Brooks County at any time; making it unlawful to take or kill or have in possession any collared peccary or javelina for purposes of barter or sale, or to sell or offer for sale any collared peccary or javelina; providing penalties for violations; and declaring an emergency."

H. C. R. No. 17, Requesting the Postmaster General of the United States to issue a suitable commemorative stamp honoring Big Bend National Park.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 59, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. 308, To the Committee on Jurisprudence.

Report of Standing Committee

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
March 5, 1963

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred S. B.

No. 341, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senate Concurrent Resolution 29

Senator Herring offered the following resolution:

S. C. R. No. 29—Dedicating to the City of Austin for street purposes certain land belonging to the State of Texas.

Whereas, The construction of a limited access thoroughfare connecting State Highway No. 183 and State Highway No. 290 and serving as a highway loop through the City of Austin, necessitates the dedication of certain tracts of land for such street purposes; and,

Whereas, This public project will be of great benefit to the citizens of the State of Texas by affording an other connecting link between such two highways and by affording better access for the public to the Highland Lakes area; and

Whereas, The City of Austin has acquired right-of-way for this thoroughfare and highway loop from the Colorado River northerly to White Rock Drive without participation by the State in such right-of-way costs; and,

Whereas, Creation of this thoroughfare and highway loop will greatly benefit various State properties and the public in general; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the hereinafter described tracts of land be and the same are hereby dedicated to the City of Austin for street purposes. Said tracts of land being more particularly described as follows:

Tract 1. Being out of and a part of that certain 189.11 acre tract of land out of and a part of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, which 189.11 acre tract of land was conveyed by the Government of the United States of America to the State of Texas by public law 49-84th Congress and approved June 1, 1955, according to a map or plat of said 189.11 acre tract of land based on a survey by Metcalfe Engineering Company and prepared

by the Adjutant General's Department, Engineering Division, Camp Mabry, Austin, Texas, of record in Book 7 at page 137 of the Plat Records of Travis County, Texas; containing 0.617 of one acre of land and being more particularly described by metes and bounds as follows:

Beginning at a concrete monument on the most easterly north line of said State of Texas 189.11 acre tract of land, which concrete monument is also on the south line of a park and drainage area in Block C, Highland Park West, a subdivision of record in Book 4 at Page 299 of the Plat Records of Travis County, Texas, said concrete monument also being Station 5 on the aforesaid Adjutant General's Department plat;

Thence, with the north line of the said State of Texas 189.11 acre tract of land, S 46° 11' E 325.78 feet to a concrete monument at the southwest corner of Lot 1, Block A, said Highland Park West, said concrete monument also being on the west line of Edgehill Way, and being Station 6 on the said Adjutant General's Department plat;

Thence, with the most northerly east line of the said State of Texas 189.11 acre tract of land, same being the west line of said Edgehill Way, S 09° 49' E 278.07 feet to a concrete monument for the most southerly corner of the herein described tract of land same being Station 7 on the said Adjutant General's Department plat;

Thence, N 29° 29' W 573.87 feet to the point of beginning.

Tract 2. 1.88 acres of land out of and a part of that certain tract of land out of and a part of the George W. Spear League in the City of Austin, Travis County, Texas, which certain tract of land was conveyed to the State of Texas by Warranty Deed dated July 26, 1916 of record in Volume 286 at page 330 of the Deed Records of Travis County, Texas; said 1.88 acres of land being more particularly described by metes and bounds as follows:

Beginning at the northeast corner of the herein described tract of land, same being the intersection of the present south line of West 35th Street with the east line, as fenced, of the State of Texas tract of land;

Thence, with the east line of the herein described tract of land, same being the east line of the said State of Texas tract of land, as fenced

S 11° 22' W 749.49 feet to a steel pin at the most southerly corner of the herein described tract of land;

Thence, with the most southerly west line of the herein described tract of land in a northerly direction with the following four (4) courses:

(1) N 06° 05' E 170.77 feet to a steel pin;

(2) N 11° 25' E 170.00 feet to a steel pin;

(3) N 02° 12' E 224.89 feet to a steel pin;

(4) N 24° 19' W 51.31 feet to a steel pin in the south line of the herein described tract of land, same being the proposed south line of West 35th Street;

Thence, with the south line of the herein described tract of land, same being the proposed south line of West 35th Street, N 75° 30' W 332.79 feet to a steel pin at the southwest corner of the herein described tract of land;

Thence, with the most northerly west line of the herein described tract of land N 15° 29' W 173.15 feet to a steel pin at the northwest corner of the herein described tract of land, same being on the present south line of West 35th Street;

Thence, with the north line of the herein described tract of land, same being the present south line of West 35th Street, S 75° 30' E 492.50 feet to the point of beginning.

Tract 3. 0.55 of one acre of land out of and a part of that certain tract of land out of and a part of the George W. Spear League in the City of Austin, Travis County, Texas, which certain tract of land was conveyed to the State of Texas by Warranty Deed dated July 26, 1916, of record in Volume 286 at page 330 of the Deed Records of Travis County, Texas; said 0.55 of one acre of land being more particularly described by metes and bounds as follows:

Beginning at the southeast corner of the said State of Texas tract; same being the southeast corner of the herein described tract of land, same being the most northerly northeast corner of Lot 2A, a Resubdivision of Lots 1 and 2, Block 4, Herman Brown Addition of record in Book 10 at Page 83 of the Plat Records of Travis County, Texas;

Thence, with the south line of the herein described tract of land, same being the south line of the said State of Texas tract of land, N 67° 45' W

82.00 feet to a point in the north line of Lot 3, Block 4, Herman Brown Addition, a subdivision of record in Book 5 at Page 98 of the Plat Records of Travis County, Texas, for the southwest corner of the herein described tract of land;

Thence, with the west line of the herein described tract of land, N 4° 21' W 658.52 feet to the most northerly corner of the herein described tract of land, same being a point in the east line, as fenced, of the said State of Texas tract of land;

Thence, with the east line of the herein described tract of land, same being the east line as fenced, of the said State of Texas tract of land, S 10° 22' E 699.00 feet to the point of beginning.

The resolution was read and was referred to the Committee on State Affairs.

Senate Concurrent Resolution 30

Senator Herring offered the following resolution:

S. C. R. No. 30—Authorizing the lease of certain lands to the City of Austin.

Whereas, by virtue of SCR 31, Regular Session, 56th Legislature of the State of Texas, authorized the leasing of 189.11 acres of land to the City of Austin for the creation of a municipal golf course; and,

Whereas, at the suggestion of the Adjutant General of Texas, said City has voluntarily agreed to a realignment in, and a reduction of, the acreage to be covered by such lease, without changing the City's obligations thereunder; Now, Therefore, be it

Resolved, by the Senate, the House of Representatives concurring:

That the Governor of the State of Texas be and he is hereby authorized to execute a lease to the City of Austin upon exactly the same terms and conditions as those contained in SCR 31 of the 56th Legislature, except that the tract of land to be leased to the City of Austin thereunder shall be particularly described as follows:

Being a total of 172.391 acres of land, out of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas; being part of a 189.11 acre tract of land conveyed by the Government of the United States of America to the State of Texas by Public Law 49-84th Congress and ap-

proved June 1, 1955, according to a map or plat of said 189.11 acre tract of land based on a survey by Metcalfe Engineering Company and prepared by the Adjutant General's Department, Engineering Division, Camp Mabry, Austin, Texas, of record in Book 7 at page 137 of the Plat Records of Travis County, Texas; being also a part of that certain 80.00 acre tract of land conveyed to the State of Texas by Warranty Deed dated December 14, 1892, of record in Volume 105 at page 466 of the Deed Records of Travis County, Texas, said 172.391 acres of land being hereinafter described as No. 1 containing 113.713 acres of land and as No. 2 containing 58.678 acres of land; said tracts of land being more particularly described by metes and bounds as follows:

No. 1 Beginning at a concrete monument at the northwest corner of the herein described tract of land, same being the most westerly northwest corner of the said State of Texas 189.11 acre tract of land, and being described as Station 14 on said Adjutant General's Department plat, which concrete monument is also on the east line of Lot 10, Block K, Balcones Park Addition, Section Five, a subdivision of record in Book 7 at Page 43 of the Plat Records of Travis County, Texas, same being the east line of the C. J. Strother Survey No. 610 and the west line of the Daniel J. Gilbert Survey No. 8, and from which point of beginning a concrete monument at the northeast corner of Lot 7, Block K, said Balcones Park Addition, Section Five, bears N 35° 18' E 361.16 feet;

Thence, S 59° 18' E at 363.23 feet passing a concrete monument, at 726.27 feet passing another concrete monument, in all a distance of 990.00 feet to a steel pin for the most northerly northeast corner of the herein described tract of land, same being described as Station 17 on a map or plat prepared by the Department of Public Works, City of Austin, Travis County, Texas, and indexed as 2-A-600;

Thence, with the following six (6) courses to the most easterly northeast corner of the herein described tract of land;

(1) S 30° 42' W 1340.00 feet to a steel pin, same being Station 18 on the said plat No. 2-A-600;

(2) S 13° 18' E 210.00 feet to a steel pin, same being Station 19 on the said plat No. 2-A-600;

(3) S 04° 42' W 210.00 feet to a steel pin, same being Station 20 on the said plat No. 2-A-600;

(4) S 57° 18' E 720.00 feet to a steel pin, same being Station 21 on the said plat No. 2-A-600;

(5) N 60° 42' E 467.00 feet to a steel pin, same being Station 22 on the said plat No. 2-A-600;

(6) S 57° 18' E, at 442.21 feet passing a steel pin, in all a distance of 467.21 feet to a point in the centerline of Taylor Branch, same being Station 23 on the said plat No. 2-A-600;

Thence, with the said centerline of Taylor Branch and its meanderings with the following nine (9) courses:

(1) S 28° 59' W 145.95 feet to a point;

(2) S 07° 03' W 60.02 feet to a point;

(3) S 30° 58' W 78.08 feet to a point;

(4) N 35° 21' W 73.18 feet to a point;

(5) S 79° 48' W 86.73 feet to a point;

(6) S 19° 14' E 82.12 feet to a point;

(7) S 17° 03' W 50.98 feet to a cross cut on rock;

(8) S 31° 47' W 79.43 feet to a cross cut on rock;

(9) S 00° 35' W 33.63 feet to a point, same being Station 24 on the said plat No. 2-A-600;

Thence, leaving the said centerline of Taylor Branch with the following ten (10) courses to the southeast corner of the herein described tract of land;

(1) S 35° 55' W 184.28 feet to a steel pin;

(2) S 33° 21' W 142.70 feet to a steel pin, same being Station 25 on the said plat No. 2-A-600;

(3) S 70° 52' W 36.44 feet to a steel pin;

(4) S 70° 50' W 104.09 feet to a point;

(5) S 48° 09' W 100.67 feet to a point;

(6) S 33° 55' W 106.98 feet to a point;

(7) S 71° 09' W 104.26 feet to a point;

(8) S 70° 06' W 103.70 feet to a point;

(9) S 67° 24' W 102.50 feet to a

steel pin, same being Station 26 on the said plat No. 2-A-600;

(10) S 54° 43' W 62.73 feet to a steel pin in the south line of the aforesaid State of Texas 189.11 acre tract of land said steel pin being Station 27 on the said plat No. 2-A-600;

Thence, with the south line of said State of Texas 189.11 acre tract of land, N 59° 19' W 768.98 feet to a concrete monument at the northeast corner of Colorado Foothills, Section Two, a subdivision of record in Book 5 at Page 107 of the Plat Records of Travis County, Texas, said concrete monument being Station 13 on the said Adjutant General's Department plat;

Thence, continuing with the south line of said State of Texas 189.11 acre tract of land, same being the north line of said Colorado Foothills, Section Two, same also being the north line of Balcones Park Annex, a subdivision of record in Book 6, at Page 101 of the Plat Records of Travis County, Texas, and Block F, Balcones Park Addition, Section Two, a subdivision of record in Book 6 at Page 90 of the Plat Records of Travis County, Texas, N 58° 52' W 1714.32 feet to a concrete monument on the north line of Lot 4, Block F, said Balcones Park Addition, Section Two, for the southwest corner of the herein described tract of land, same being the southwest corner of the aforementioned State of Texas 189.11 acre tract of land, said concrete monument being also the southeast corner of Lot 14, Block R, Balcones Park Addition, Section Six, a subdivision of record in Book 7 at Page 77 of the Plat Records of Travis County, Texas, which concrete monument is also Station 1 on the said Adjutant General's Department plat;

Thence, with the east line of said Balcones Park Addition, Section Six, and the aforesaid Balcones Park Addition, Section Five, same being the west line of the said State of Texas 189.11 acre tract of land, same also being the east line of the C. J. Strother Survey No. 610 and the west line of the Daniel J. Gilbert Survey No. 8, N 35° 18' E 2765.93 feet to the point of beginning.

No. 2. Beginning at a concrete monument at the northwest corner of the herein described tract of land,

same being the northwest corner of the said State of Texas 80.00 acre tract of land and the northeast corner of Colorado Foothills, Section Two, a subdivision of record in Book 5 at Page 107 of the Plat Records of Travis County, Texas, which concrete monument is also on the south line of the above described tract 1, and is the aforementioned Station 13 on the said Adjutant General's Department plat;

Thence, with the north line of the said State of Texas 80.00 acre tract of land, same being the south line of the said Tract 1, S 59° 19' E 768.98 feet to a steel pin at the most northerly northeast corner of the herein described tract of land, same being the southeast corner of said Tract 1, and the aforementioned Station 27 on the said plat No. 2-A-600;

Thence, S 54° 43' W 137.27 feet to a steel pin on a line fifteen (15.00) feet westerly from and parallel to the westerly edge of an existing rock dam, said steel pin being Station 28 on the said plat No. 2-A-600;

Thence, along said line fifteen (15.00) feet westerly from and parallel to the westerly edge of said rock dam, S 33° 10' E 167.35 feet to a steel pin on a line ten (10.00) feet southerly from the parallel to an existing one-cable fence, said steel pin being Station 29 on the said plat 2-A-600;

Thence, along said line ten (10.00) feet southerly from and parallel to said one-cable fence, S 71° 10' E, at 6.24 feet passing a steel pin, in all a distance of 183.18 feet to a steel pin at the most easterly northeast corner of the herein described tract of land, same being Station 30 on the said plat No. 2-A-600;

Thence, S 24° 25' W 1147.95 feet to a steel pin, same being Station 31 on the said plat No. 2-A-600;

Thence, S 04° 20' E 1071.26 feet to a steel pin at the southeast corner of the herein described tract of land, same being Station 32 on the said plat No. 2-A-600;

Thence with the south line of the said State of Texas 80.00 acre tract of land as fenced, same being the south line of the herein described tract of land, with the following four (4) courses:

(1) N 59° 56' W 504.65 feet to

an iron post, same being Station 33 on the said plat No. 2-A-600;

(2) N 39° 23' W 93.57 feet to an iron post, same being Station 34 on the said plat No. 2-A-600;

(3) N 54° 14' W 659.62 feet to a steel pin under fence;

(4) N 53° 55' W 515.96 feet to an iron corner post for the southwest corner of the herein described tract of land, same being the southwest corner of the said State of Texas 80.00 acre tract of land, same also being Station 35 on the said plat No. 2-A-600, and from which iron post a concrete monument at the southeast corner of Lot 1, Block 1, Colorado Foothills, Section One, a subdivision of record in Book 5 at Page 58 of the Plat Records of Travis County, Texas, bears S 30° 09' W 44.40 feet;

Thence, with the west line of the said State of Texas 80.00 acre tract of land, same being the east lines of said Colorado Foothills, Section One and the aforementioned Colorado Foothills, Section Two, N 30° 09' E, at 718.62 feet passing a concrete monument at the northeast corner of said Colorado Foothills, Section One, same being the southeast corner of the said Colorado Foothills, Section Two, in all a distance of 2046.42 feet to the point of beginning.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 202

Senator Moore offered the following resolution:

Whereas, The Koppe Bridge over the Brazos River three miles southwest of Wellborn has joined the counties of Brazos and Burleson for more than fifty years before it was condemned by the respective Commissioners' Courts of said counties; and said bridge has since been destroyed by fire and now is of no use whatsoever for any type of traffic; and

Whereas, There are no bridges over the Brazos River between the Jones Bridge located on FM 60 to the bridge south on the Navasota to Brenham Highway; which distance is at least thirty miles; and

Whereas, The Old Ferry Crossing

south of the Koppe Bridge site is a point equidistant between the said Jones Bridge and the Washington County Bridge and ideal for a new bridge; and

Whereas, Such a bridge would provide a link for FM road 2154 and FM road 1361, upon construction of a joining farm to market road and would be a logical and feasible east to west traffic artery between Wellborn, Texas, in Brazos County, and Sommerville, Texas, in Burleson County, and

Whereas, The right of way has been established and dedicated in Brazos County for such a project and the land owners of Burleson County have offered right of way to the State for such extension in Burleson County; now therefore, be it

Resolved, By the Senate of Texas that in consideration of the benefits that will accrue to the citizens of Brazos and Burleson County and the users of the entire system of highways of this state that the State Highway Commission study, plan, and provide for a new bridge over the Brazos River at a site in the area of the former Koppe Bridge; and be it further

Resolved, That the said State Highway Commission plan a farm to market road linking FM road 2154 and FM road 1361.

The resolution was read.

Senator Moore asked unanimous consent to consider the resolution immediately.

Senator Schwartz moved to send the resolution to the Committee on Military and Veterans Affairs.

Senator Moore moved to table the motion.

On motion of Senator Moore and by unanimous consent Senator Moore then withdrew the resolution.

House Bill 310 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 310 was ordered not printed.

House Bill 335 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. B. No. 335 was ordered not printed.

Senate Joint Resolution 16 on Second Reading

Senator Moffett moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. J. R. No. 16 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

Nays—1

Hardeman

Absent

Rogers

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 16, "Proposing an amendment to Section 49-b, Article III of the Constitution of Texas so as to authorize an increase in the total amount of bonds or obligations that may be issued by the Veterans' Land Board to Three Hundred Fifty Million Dollars (\$350,000,000); providing for the issuance of said bonds or obligations and the conditions relating thereto and the use of the Veterans' Land Fund; and providing for an election and the issuance of a proclamation therefor."

The resolution was read second time.

Senator Moffett offered the following committee amendment to the resolution.

Amend S. J. R. No. 16 by striking out all below the resolving clause and substituting in lieu thereof the following:

"Section 1. That Section 49-b, Article III of the Constitution of Texas, be amended so that the same will hereafter read as follows:

"Section 49-b. By virtue of prior amendments to this Constitution, there has been created a governmental agency of the State of Texas performing governmental duties which has been designated the Veterans' Land Board. Said Board shall continue to function for the purposes specified in all of the prior Constitutional Amendments except as modified herein. Said Board shall be composed of the Commissioner of the General Land Office and two citizens of the State of Texas, one of whom shall be well versed in veterans' affairs and one of whom shall be well versed in finances. One such citizen member shall, with the advice and consent of the Senate, be appointed biennially by the Governor to serve for a term of four years; but the members serving on said Board on the date of adoption hereof shall complete the terms to which they were appointed. In the event of the resignation or death of any such citizen member, the Governor shall appoint a replacement to serve for the unexpired portion of the term to which the deceased or resigning member had been appointed. The compensation for said citizen members shall be as is now or may hereafter be fixed by the Legislature; and each shall make bond in such amount as is now or may hereafter be prescribed by the Legislature.

"The Commissioner of the General Land Office shall act as Chairman of said Board and shall be the administrator of the Veterans' Land Program under such terms and restrictions as are now or may hereafter be provided by law. In the absence or illness of said Commissioner, the Chief Clerk of the General Land Office shall be the Acting Chairman of said Board with the same duties and powers that said Commissioner would have if present.

"The Veterans' Land Board may provide for, issue and sell not to exceed Three Hundred Fifty Million Dollars (\$350,000,000.00) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund, Two Hundred Million Dollars (\$200,000,000.00) of which have heretofore been issued and sold. Such bonds or

obligations shall be sold for not less than par value and accrued interest; shall be issued in such forms, denominations, and upon such terms as are now or may hereafter be provided by law; shall be issued and sold at such times at such places, and in such installments as may be determined by said Board; and shall bear a rate or rates of interest as may be fixed by said board but the weighted average annual interest rate, as that phrase is commonly and ordinarily used and understood in the municipal bond market, of all the bonds issued and sold in any installment of any bonds may not exceed four and one-half percent ($4\frac{1}{2}\%$). All bonds or obligations issued and sold hereunder shall, after execution by the Board, approval by the Attorney General of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchaser or purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas; and all bonds heretofore issued and sold by said Board are hereby in all respects validated and declared to be general obligations of the State of Texas. In order to prevent default in the payment of principal or interest on any such bonds, the Legislature shall appropriate a sufficient amount to pay the same.

"In the sale of any such bonds or obligations, a preferential right of purchase shall be given to the administrators of the various Teacher Retirement Funds, the Permanent University Funds, and the Permanent School Funds.

"Said Veterans' Land Fund shall consist of any lands heretofore or hereafter purchased by said Board, until the sale price therefor, together with any interest and penalties due, have been received by said Board (although nothing herein shall be construed to prevent said Board from accepting full payment for a portion of any tract), and of the moneys attributable to any bonds heretofore or hereafter issued and sold by said Board which moneys so attributable shall include but shall not be limited to the proceeds from the issuance and sale of such bonds; the moneys received from the sale or resale of any lands, or rights therein, purchased with such proceeds; the moneys received from the sale or resale of any lands, or rights therein, purchased

with other moneys attributable to such bonds; the interest and penalties received from the sale or resale of such lands, or rights therein; the bonuses, income, rents, royalties, and any other pecuniary benefit received by said Board from any such lands; sums received by way of indemnity or forfeiture for the failure of any bidder for the purchase of any such bonds to comply with his bid and accept and pay for such bonds or for the failure of any bidder for the purchase of any lands comprising a part of said Fund to comply with his bid and accept and pay for any such lands; and interest received from investments of any such moneys. The principal and interest on the bonds heretofore and hereafter issued by said Board shall be paid out of the moneys of said Fund in conformance with the Constitutional provisions authorizing such bonds; but the moneys of said Fund which are not immediately committed to the payment of principal and interest on such bonds, the purchase of lands as herein provided, or the payment of expenses as herein provided may be invested in bonds or obligations of the United States until such funds are needed for such purposes.

"All moneys comprising a part of said Fund and not expended for the purposes herein provided shall be a part of said Fund until there are sufficient moneys therein to retire fully all of the bonds heretofore or hereafter issued and sold by said Board, at which time all such moneys remaining in said Fund, except such portion thereof as may be necessary to retire all such bonds which portion shall be set aside and retained in said Fund for the purpose of retiring all such bonds, shall be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law. All moneys becoming a part of said Fund thereafter shall likewise be deposited to the credit of the General Revenue Fund.

"When a Division of said Fund (each Division consisting of the moneys attributable to the bonds issued and sold pursuant to a single Constitutional authorization and the lands purchased therewith) contains sufficient moneys to retire all of the bonds secured by such Division, the moneys thereof, except such portion as may be needed to retire all of the

bonds secured by such Division which portion shall be set aside and remain a part of such Division for the purpose of retiring all such bonds, may be used for the purpose of paying the principal and the interest thereon, together with the expenses herein authorized, of any other bonds heretofore or hereafter issued and sold by said Board. Such use shall be a matter for the discretion and direction of said Board; but there may be no such use of any such moneys contrary to the rights of any holder of any of the bonds issued and sold by said Board or violative of any contract to which said Board is a party.

"The Veterans' Land Fund shall be used by said Board for the purpose of purchasing lands situated in the State of Texas owned by the United States or any governmental agency thereof, owned by the Texas Prison System or any governmental agency of the State of Texas, or owned by any person, firm, or corporation. All lands thus purchased shall be acquired at the lowest price obtainable, to be paid for in cash, and shall be a part of said Fund. Such lands heretofore or hereafter purchased and comprising a part of said Fund are hereby declared to be held for a governmental purpose, although the individual purchasers thereof shall be subject to taxation to the same extent and in the same manner as are purchasers of lands dedicated to the Permanent Free Public School Fund.

"The lands of the Veterans' Land Fund shall be sold by said Board in such quantities, on such terms, at such prices, at such rates of interest and under such rules and regulations as are now or may hereafter be provided by law to Texas veterans who served not less than ninety (90) continuous days, unless sooner discharged by reason of a service-connected disability, or active duty in the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States between September 16, 1940, and March 31, 1955, and who upon the date of filing his or her application to purchase any such land is a citizen of the United States, is a bona fide resident of the State of Texas, and has not been dishonorably discharged from any branch of the Armed Forces above named and who at the time of his or her enlistment, induction, commissioning, or drafting was a bona fide resident of the State

of Texas. The foregoing notwithstanding, any land in the Veterans Land Fund which have been first offered for sale to veterans and which have not been sold may be sold or resold to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now or may hereafter be provided by law.

"Said Veterans' Land Fund, to the extent of the moneys attributable to any bonds hereafter issued and sold by said Board may be used by said Board, as is now or may hereafter be provided by law, for the purpose of paying the expenses of surveying, monumenting, road construction, legal fees, recordation fees, advertising and other like costs necessary or incidental to the purchase and sale, or resale, of any lands purchased with any of the moneys attributable to such additional bonds, such expenses to be added to the price of such lands when sold, or resold, by said Board; for the purpose of paying the expenses of issuing, selling, and delivering any such additional bonds; and for the purpose of meeting the expenses of paying the interest or principal due or to become due on any such additional bonds.

"All moneys attributable to the bonds issued and sold pursuant to the Constitutional Amendment adopted on November 6, 1956, shall be credited to said Veterans' Land Fund and may be used for the purpose of purchasing additional lands, to be sold as provided herein, until December 1, 1965; provided, however, that so much of such moneys as may be necessary to pay interest on such bonds shall be set aside for that purpose. After December 1, 1965, all moneys attributable to such bonds shall be set aside for the retirement of such bonds and to pay interest thereon; and when there are sufficient moneys to retire all of such bonds, all of such moneys then remaining or thereafter becoming a part of said Veterans' Land Fund shall be governed as elsewhere provided herein.

"All of the moneys attributable to any series of bonds hereafter issued and sold by said Board (a "series of bonds" being all of the bonds issued and sold in a single transaction as a single installment of bonds) may be used for the purchase of lands as herein provided, to be sold as herein

provided, for a period ending eight (8) years after the date of sale of such series of bonds; provided, however, that so much of such moneys as may be necessary to pay interest on bonds hereafter issued and sold shall be set aside for that purpose in accordance with the resolution adopted by said Board authorizing the issuance and sale of such series of bonds. After such eight (8) year period, all of such moneys shall be set aside for the retirement of any bonds hereafter issued and sold and to pay interest thereon, together with any expenses as provided herein, in accordance with the resolution or resolutions authorizing the issuance and sale of such additional bonds, until there are sufficient moneys to retire all of the bonds hereafter issued and sold, at which time all such moneys then remaining a part of said Veterans' Land Fund and thereafter becoming a part of said Fund shall be governed as elsewhere provided herein.

"This Amendment being intended only to establish a basic framework and not to be a comprehensive treatment of the Veterans' Land Program, there is hereby reposed in the Legislature full power to implement and effectuate the design and objects of this Amendment, including the power to delegate such duties, responsibilities, functions, and authority to the Veterans' Land Board as it believes necessary.

"Should the Legislature enact any enabling laws in anticipation of this Amendment, no such law shall be void by reason of its anticipatory nature.

"This Amendment shall become effective upon its adoption.

"Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, 1963, at which election all ballots shall have printed thereon the following:

"FOR the Amendment to Section 49-b of Article III of the Constitution of Texas to increase the Veterans' Land Fund by \$150,000,000.00; said Fund to be used for the purpose of purchasing land in Texas to be sold to Texas veterans who served in the Armed Services of the United States between September 16, 1940, and March 31, 1955; such funds to be expended in accordance with instruc-

tions and requirements that may be provided by law."; and

"AGAINST the Amendment to Section 49-b of Article III of the Constitution of Texas to increase the Veterans' Land Fund by \$150,000,000.00; said Fund to be used for the purpose of purchasing land in Texas to be sold to Texas veterans who served in the Armed Services of the United States between September 16, 1940, and March 31, 1955; such funds to be expended in accordance with instruction and requirements that may be provided by law."

"If it appears from the returns of said election that a majority of the votes cast were in favor of same Amendment, the same shall become a part of the State Constitution and be effective from the date set forth in said Amendment, and the Governor shall issue a proclamation in keeping therewith.

Section 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and Laws of this State."

The committee amendment was adopted.

On motion of Senator Moffett and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

Senate Joint Resolution 16 on Third Reading

Senator Moffett moved that Senate Rules 32 and 45 and the constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|-----------|------------|
| Aikin | Hall |
| Bates | Hardeman |
| Blanchard | Harrington |
| Calhoun | Hazlewood |
| Cole | Herring |
| Colson | Kazen |
| Creighton | Kennard |
| Crump | Krueger |
| Dies | Moffett |

| | |
|-----------|----------|
| Moore | Rogers |
| Owen | Schwartz |
| Parkhouse | Spears |
| Patman | Strong |
| Ratliff | Watson |
| Reagan | Word |
| Richter | |

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote.

Yeas—31

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

**Committee Substitute
Senate Bill 61 on Second Reading**

Senator Creighton moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 61 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

The President laid before the Sen-

ate on its second reading and passage to engrossment:

C. S. S. B. No. 61, a bill to be entitled "An Act clarifying, revising, and amplifying laws relating to general, special, and primary elections held by the State, by counties, cities, and other political subdivisions of the State, and by political parties, amending certain existing sections of the Election Code of the State of Texas, repealing certain sections, and adding new sections thereto, etc., and declaring an emergency."

The bill was read the second time.

Senator Watson offered the following amendment to the bill:

Amend Section 14, Subdivision 2 by striking out all of said "Subdivision 2" and substituting in lieu thereof the following:

Subdivision 2. Application for ballot. A voter desiring to vote absentee shall make written application for an official ballot to the county clerk of the county of his residence, which application shall be signed by the voter, or by a witness at the direction of the voter in case of the latter's inability to make such application because of physical disability. The application shall state the ground on which the applicant is entitled to vote absentee, and in case of an application to be voted by mail, it shall also state the additional information required by Subdivision 1 of this section. In case of an application to vote absentee by personal appearance, except where the voted ballot is to be placed in a carrier envelope, the application shall contain or have attached thereto an affidavit signed by the applicant, in substantially the following form:

"I, _____, do solemnly swear that I am a resident of Precinct No. _____, in _____ County, and am lawfully entitled to vote at the _____ election to be held in said precinct on the _____ day of _____, 19____, and that I am prevented from appearing at the polling place in said precinct on the date of the election because of _____ (voter to signify sickness, physical disability, or expected absence from county).

(Signature of voter)

(Signature of witness who assisted)

"The application shall be accom-

panied by the poll tax receipt or exemption certificate of the voter, or in lieu thereof, his affidavit in writing that same has been lost or mislaid or has been used for applying for an absentee ballot in another election (stating the nature and date of the election) and has not been returned to him. If the ground of application is sickness or physical disability by reason of which the voter cannot appear at the polling place on election day, a certificate of a duly licensed practitioner of the healing arts or accredited Christian Science practitioner certifying to such sickness or physical disability shall accompany the application, which certificate shall be in substantially the following form:

"This is to certify that I have personal knowledge of the physical condition of _____, and that because of sickness or physical disability—he will be unable to appear at the polling place for an election to be held on the _____ day of _____, 19____.

"Witness my hand at _____, Texas, this _____ day of _____, 19____.
(Signature of practitioner)

"Expected or likely confinement for childbirth on election day shall be sufficient to entitle a voter to vote absentee on the ground of sickness or physical disability, and a physician executing a certificate for a pregnant woman may state in the certificate that because of pregnancy and possible delivery she will be or may be unable to appear at the polling place on election day.

"Any person who requests a practitioner to execute a certificate for another person without having been directed by such other person to do so, and any practitioner who knowingly executes a certificate except upon the request of the voter named therein or upon the request of someone at the voter's direction, and any practitioner who knowingly delivers a certificate except by delivering it to the voter in person or by mailing it to the voter at his permanent residence address or the address at which he is temporarily living, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned in the county jail for not more than thirty days, or both so fined and imprisoned."

The amendment was read.

On motion of Senator Creighton the amendment was tabled.

The bill was then passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 61 to engrossment.

Committee Substitute Senate Bill 61 on Third Reading

Senator Creighton moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|------------|-----------|
| Aikin | Moffett |
| Bates | Moore |
| Blanchard | Owen |
| Calhoun | Parkhouse |
| Cole | Patman |
| Colson | Ratliff |
| Creighton | Reagan |
| Crump | Richter |
| Dies | Rogers |
| Hall | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Krueger | |

Nays—2

Hardeman Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Ratliff, Kennard and Owen asked to be recorded as voting "Nay" on the final passage of C. S. S. B. No. 61.

Senate Bill 152 on Second Reading

Senator Herring moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 152 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

| | |
|------------|-----------|
| Aikin | Kennard |
| Bates | Krueger |
| Blanchard | Moffett |
| Calhoun | Moore |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |

Nays—1

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 152, A bill to be entitled "An Act creating the Travis State School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 152 on Third Reading

Senator Herring moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 152 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Kazen |
| Blanchard | Kennard |
| Calhoun | Krueger |
| Cole | Moffett |
| Colson | Moore |
| Creighton | Owen |
| Crump | Parkhouse |
| Dies | Patman |
| Hall | Ratliff |
| Hardeman | Reagan |
| Harrington | Richter |
| Hazlewood | Rogers |

| | |
|----------|--------|
| Schwartz | Watson |
| Spears | Word |
| Strong | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

Senate Bill 28 on Second Reading

Senator Watson moved that Senate Rules 116, 13 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 28 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

| | |
|------------|-----------|
| Aikin | Moffett |
| Bates | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Harrington | Schwartz |
| Hazlewood | Spears |
| Herring | Strong |
| Kazen | Watson |
| Kennard | Word |
| Krueger | |

Absent

| | |
|-----------|----------|
| Blanchard | Hardeman |
|-----------|----------|

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 28, A bill to be entitled "An Act relating to Real Property; containing definitions applicable to this Act; providing for Formation of Condominium Regimes; etc.; and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend S. B. 28, page 3, Section 9, line 60 of the printed bill by striking out the word "exception" and substituting the word "excepting."

The amendment was adopted.

Senator Watson offered the following amendment to the bill:

Amend Senate Bill 28 by adding a new Section 10 and renumbering the present Section 10 and the other sections following, which new Section 10 to read as follows:

Section 10. Loans on the individual apartments and the undivided interest in the common elements appurtenant thereto are hereby declared to be eligible investments for all banks, savings and loan or building and loan associations, trust companies, life insurance companies and all other lending institutions which will include also administrators, guardians, executors, trustees and other fiduciaries, which are now or may be hereafter authorized to make real estate loans. For the purpose of such investments, an apartment and the undivided interest in the common elements appurtenant thereto shall be deemed a single unit as if it were entirely independent of the other units in the project of which it forms a part. In determining eligibility the existence of any prior lien for taxes, assessments (including but not limited to those for administrations, maintenance and repairs) or other similar charges not yet delinquent shall not be considered in determining whether a mortgage or deed of trust upon such security is a first lien. This section shall not change any provision of law, which would otherwise be applicable, specifying limitation on mortgage investments based upon a special fraction or percentage of the value of the mortgaged property.

The amendment was adopted.

On motion of Senator Watson and by unanimous consent the caption was

amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 28 on Third Reading

Senator Watson moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

Senate Bill 231 on Second Reading

Senator Moore moved that Senate Rules 116 and 13 and Section 5 of

Article III of the State Constitution be suspended and that S. B. No. 231 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 231, A bill to be entitled "An Act providing for additional compensation to the judge of the 85th Judicial District in addition to the compensation paid by the state; providing that the additional compensation shall be paid by the commissioners court of Brazos County; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 231 on Third Reading

Senator Moore moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 231 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|-----------|------------|
| Aikin | Hall |
| Bates | Harrington |
| Blanchard | Hazlewood |
| Calhoun | Herring |
| Cole | Kazen |
| Colson | Kennard |
| Creighton | Krueger |
| Crump | Moffett |
| Dies | Moore |

| | |
|-----------|----------|
| Parkhouse | Schwartz |
| Patman | Spears |
| Ratliff | Strong |
| Reagan | Watson |
| Richter | Word |
| Rogers | |

Nays—2

| | |
|----------|------|
| Hardeman | Owen |
|----------|------|

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Harrington | Schwartz |
| Hazlewood | Spears |
| Herring | Strong |
| Kazen | Watson |
| Kennard | |

Nays—4

| | |
|----------|------|
| Calhoun | Owen |
| Hardeman | Word |

Senate Bill 103 on Second Reading

Senator Bates moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 103 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Kazen |
| Blanchard | Kennard |
| Calhoun | Krueger |
| Cole | Moffett |
| Colson | Moore |
| Creighton | Owen |
| Crump | Parkhouse |
| Dies | Patman |
| Hall | Ratliff |
| Hardeman | Reagan |
| Harrington | Richter |
| Hazlewood | Rogers |

Schwartz
Spears
Strong

Watson
Word

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 103, A bill to be entitled "An Act repealing Article 838 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Chapter 230, Acts of the 42nd Legislature, Regular Session, 1931, which requires the treasurers of certain political subdivisions to make annual reports to the Comptroller showing the condition of the Interest and Sinking Fund for the indebtedness of such subdivision; amending Article 840 of the Revised Civil Statutes of the State of Texas, 1925, to remove penalty for failure to make such report; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 103 on Third Reading

Senator Bates moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 103 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |
| Kennard | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

| | |
|-------|-------|
| Aikin | Bates |
|-------|-------|

| | |
|------------|-----------|
| Blanchard | Moffett |
| Calhoun | Moore |
| Cole | Owen |
| Colson | Parkhouse |
| Creighton | Patman |
| Crump | Ratliff |
| Dies | Reagan |
| Hall | Richter |
| Hardeman | Rogers |
| Harrington | Schwartz |
| Hazlewood | Spears |
| Herring | Strong |
| Kazen | Watson |
| Kennard | Word |
| Krueger | |

Welcome Resolutions

S. R. No. 192—By Senator Herring: Extending welcome to Fifth Grade Students of Bryker Woods School and their teachers.

S. B. No. 193—By Senator Harrington: Extending welcome to Mrs. Garland Reeves et al. of West Orange.

S. R. No. 194—By Senator Harrington: Extending welcome to Mrs. Kathryn Monk et al. of Port Arthur.

S. R. No. 195—By Senator Blanchard: Extending welcome to the Reverend and Mrs. Weldon Thomas of Slaton and Reverend and Mrs. David Donaldson of Lubbock.

S. R. No. 197—By Senator Word: Extending welcome to Cotton Dorman et al. of Cleburne.

S. R. No. 198—By Senator Dies: Extending welcome to the Reverend and Mrs. Robert D. Matheny of Jacksonville.

S. R. No. 199—By Senator Harrington: Extending welcome to T. A. McCoy and former Senator Jep S. Fuller of Port Arthur.

S. R. No. 200—By Senator Spears: Extending welcome to members of San Antonio Council of Parents and Teachers Association.

S. R. No. 201—By Senator Krueger: Extending welcome to students and teacher of Columbus High School.

S. R. No. 203—By Senator Herring: Extending welcome to students and teachers of Ridgetop Elementary School of Austin.

S. R. No. 204—By Senator Word: Extending welcome to David Dahl et al. of Bosque County.

Memorial Resolution

S. R. No. 196—By Senator Watson: Memorial resolution for L. R. Dean.

Adjournment

On motion of Senator Moffett the Senate at 12:07 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

THIRTY-FOURTH DAY

(Wednesday, March 6, 1963)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

| | |
|------------|-----------|
| Aikin | Krueger |
| Bates | Moffett |
| Blanchard | Moore |
| Calhoun | Owen |
| Cole | Parkhouse |
| Colson | Patman |
| Creighton | Ratliff |
| Crump | Reagan |
| Dies | Richter |
| Hall | Rogers |
| Hardeman | Schwartz |
| Harrington | Spears |
| Hazlewood | Strong |
| Herring | Watson |
| Kazen | Word |

Absent—Excused

Kennard

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Bates.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 6, 1963.
Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 95, A bill to be entitled "An Act fixing the salaries to be paid certain officials in certain counties; repealing all laws in conflict therewith; and declaring an emergency."

H. C. R. No. 35, Inviting the Honorable John Connally, Governor of Texas, to address a Joint Session of the House and Senate of the Fifty-eighth Legislature of the State of Texas.

H. B. No. 48, A bill to be entitled "An Act amending the Texas Motor Vehicle Safety-Responsibility Act relating to the deposit of security following certain accidents, the proof of financial responsibility in certain instances, the suspension of certain licenses, registrations and non-resident operating privileges, and certain penalties; providing for severability; and declaring an emergency."

S. C. R. No. 16, Providing committee to select a Poet Laureate and alternate Poet Laureate for State.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Presentation of Guests

Senator Crump by unanimous consent presented Mr. L. B. Smith, the editor of the "Brady Standard" of Brady to the Members of the Senate.

Senator Bates by unanimous consent presented Mr. Oscar McInnis Norman, First Assistant District Attorney of Hidalgo County to the Members of the Senate.

Reports of Standing Committees

Senator Ratliff submitted the following reports:

Austin, Texas,
March 6, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred S. B. No. 223, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.